



UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

R.K., <i>et al.</i> ,)	
)	
Plaintiffs,)	No. 3:21-cv-00853
)	
v.)	Chief Judge Crenshaw
)	Magistrate Judge Frensley
GOVERNOR BILL LEE, <i>et al.</i> ,)	
)	
Defendants.)	

JOINT MOTION TO DEFER DURING PENDENCY OF APPEAL

Come now all Parties to this matter and jointly move the Court to defer the setting of a Case Management Conference (at which deadlines for discovery, and dispositive motions, among other matters, would be set) until Defendants’ appeal of this Court’s December 10, 2021 order granting Plaintiffs’ Motion for Preliminary Injunction is resolved. After consultation, the parties have agreed that it would be appropriate to defer the setting of a Case Management Conference and corresponding discovery and briefing deadlines, until such time as the case is remanded to this Court by the United States Court of Appeals for the Sixth Circuit. Because the law is not entirely clear on whether the currently pending appeal would automatically result in such matters being stayed, the parties submit this Joint Motion in order to establish clarity as to their obligations related to this litigation pending the appeal. The parties take note that this case is presently set for an Initial Case Management Conference on January 10, 2022 before Magistrate Judge Frensley (*see* ECF No. 51)—which conference the parties seek to defer.

Respectfully submitted,

*Attorneys for Defendants Governor Bill Lee,
in his official capacity as Governor of Tennessee,
and Penny Schwinn in her official capacity as
Commissioner of the
Tennessee Department of Education*

/s/James R. Newsom

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CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2022, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties as indicated below. Parties may access this filing through the Court's electronic filing system.

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